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OGC Has Reviewed

Chief, Finance Branch
Via: Deputy Executive
Office of the General Counsel

28 March 1949

Claim P-4764 CIA v. []

1. The enclosed file relating to the Agency's claim for damages resulting from an automobile collision is forwarded herewith for your review and possible submission to G.A.O.

2. The claim arose from a collision between an Agency car driven by Mr. [] and a private truck owned and driven by Mr. []. The latter is insured by the Penn Mutual Indemnity Company of Philadelphia. Correspondence with Penn Mutual has established a dispute over the facts attending the accident, and from the tenor of their last letter dated March 11, 1949, it seems clear that further discussion by the Agency is useless.

3. No firm proof of the speed of our car or the actions of either driver has been clearly developed as yet. The insurance company has declined to accept our claim for payment and they have not indicated any ground for a negotiated settlement. As a matter of expedience, the Agency can settle a minor claim in favor of the Government when the full liquidated value of damages is conceded. Otherwise, the G.A.O. has sole power and discretion of settling or forwarding to Justice for collection through court action. Since the cause of action arose in a contributory negligence jurisdiction, only the slightest degree of negligence on [] part would preclude our recovery. (As the facts now stand, the advisability of taking the case to court may well be questioned. The question of security also appears to be a matter for consideration. Since it is obviously impossible to associate our car with the Agency and still obscure the driver's relationship, it may not be advisable to expose our employee to any additional publicity. The comment of the cognizant Administrative Officer regarding the advisability of submitting the claim to G.A.O. through routine channels is therefore requested for the assistance of the Deputy Executive in recommending further action to the Finance Officer.

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